



Land Use and Zoning Meeting Minutes

July 22, 2010

STAFF:	David Radachy
DATE:	July 23, 2010
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Chairman Terriaco.

Attendance was taken by sign in sheet. The following members were present: Messrs., Bodnar, Hullihen, Morse, Terriaco and Welch, and Mrs. Ross. Staff: David Radachy.

Mr. Terriaco asked for any comments from the public. No comments were made.

Mr. Terriaco asked Mr. Radachy to present the cases. There were five cases.

Painesville Township – Text Change to Section V, Definitions

Staff stated that Painesville Township was adding the following definition for electronic message board: “ Any sign that uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process.”

Staff went on to read a revised definition that was provided in the hand out that evening. The new definition would read: Revise the definition to read “ Any sign that uses changing lights to form **letters, symbols or pictures to create** a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process.” Staff felt the change clarified the use better.

Mr. Welch made a motion to recommend the text change with staff’s text suggestions.
Mr. Bodnar seconded the motion.

All voted “Aye”.
Motion passed.

Painesville Township – Text Change to Section 28.01 (C), General Requirement for Signs

Staff stated that this amendment would allow the use of an intermittent or moving light for electronic message boards if they follow the rules set up in proposed Section 28.08. Currently, the use of light is completely prohibited by the sign regulations. Staff stated that they reviewed the text and they also consulted with the Painesville Township Zoning Inspector, who stated that there was no provision requiring a property owner to obtain a building or electrical permit.

Staff recommended that text amendment be made with the following suggestion: Requiring a building permit and electrical permit be added to the general requirements in Section 28.01.

Mr. Welch made a motion to recommend the text be changed with staff's text suggestions.
Mr. Hulihan seconded the motion.

All voted "Aye".
Motion passed.

Painesville Township – Sections 28.08, 28.09 and 28.10

Staff stated that Painesville Township was creating rules for the electronic message boards that they previously defined and relaxed the prohibition on in sections 5 and 28.01. The new rules would be listed as 28.08. The current 28.08 was to be moved to 28.09; the current 28.09 would become 28.10 and 28.10 would become 28.11.

Staff stated that currently, only two of the eight churches were zoned CS and would be allowed to have electronic message boards, the other 6 were zoned B-2, R-1 or R-2 and they would not be allowed to have the signs. Also, all of the Riverside Schools were zoned R-1; they would also not be allowed to have the signs. There was discussion from the committee on the zoning of Hadden Elementary on Mentor Avenue and staff stated he checked the zoning and it was R-1. Staff also stated that there are no setbacks for sideyard or rearyard when the adjacent lots are zoned a non-residential classification.

Staff recommended the changes with the following suggestions:

- Have a height restriction. Free standing signs are allowed to be up to 20 feet. Staff encourages pedestal mounted signs.
- Have sideline and rearline setbacks when adjacent to non-residentially zoned land.
- Have a setback that will pull all signs away from the limited access highways. This could be added to the general requirements in Section 28.01.
- Require setbacks of 10 to 30 feet away from the required fifty-foot buffer to be placed on a non-residentially zoned lot when it abuts a residentially zoned lot instead of requiring a 100 foot distance requirement. This will give a 60 to 80 foot setback from residentially zoned lots. This will cover both side and rear line backs.
- Require that the transition time between messages only be a maximum of three seconds.
- Prohibit video from being used on the signs.
- Review all sections for compliance to RLUIPA.
- Ensure existing signs are removed prior to the construction of an electronic message board to reduce visual clutter.
- Develop proper landscaping requirements for electronic message boards.

Committee members discussed enforcement of the rules. Who will force the owners to come in and get a zoning permit and force them to take down the old sign, etc. and the costs involved with enforcement. Mr. Radachy and Mr. Bodnar explained the process of violations and taking property owners to court. They explained that the only costs are the time the zoning inspector is in court to file or testify and cost of legal council. Court costs are paid by defendant to cover the cost of filing, etc.

Mr. Morse made a motion to recommend the text change with staff's recommendations.
Mr. Welch seconded the motion.

There was discussion on the motion. Another issue brought up by the committee was removing of signs that have been abandoned. Who enforces that? Staff stated that it was enforced by the Zoning Inspector through section 28.01 F. There was also discussion on the length of time the message was on the board. Mr. Bodnar stated the Zoning Commission looked at many sources around the state that they found on line or from the Planning Commission. They saw amounts of time from 8 to 10 seconds. The standard time was usually 8 seconds.

Mr. Bodnar brought up an issue with removing the old sign prior to installing a new electric message board. What if they were going to add a message board to the existing sign? That was something staff had not considered.

Mr. Bodnar amended the motion. The addition to staff suggestion would be: Ensure existing signs are removed prior to the construction of an electronic message board to reduce visual clutter, unless the sign is being altered by the addition of an electronic message board.

Mr. Morse made a motion to accept the amendment.
Mr. Welch seconded the motion.

All voted "Aye".
Amendment passed.

All voted "Aye".
Motion passed.

Mr. Radachy stated that was the end of the committee business.

Mr. Terriaco asked for new business.

Staff stated that appointments were up for Madison Township and Perry Township Members. The members are being informed of this and asked if they wish to continue. If they say yes, then staff will ask the Madison and Perry Township Trustees if they wish the members to continue. If they answer is yes, then the members would be reappointed. Mr. Klco and Mr. Welch stated they wish to continue. We are waiting on Ms. Diak and Ms. Malec.

Mr. Terriaco asked for old business. There was none.

Mr. Terriaco asked for any comments from the public. No comments were made.

Mr. Welch made a motion to adjourn
Mr. Terriaco seconded the motion.

All voted "Aye".
Motion passed.
The meeting adjourned at 6:50 PM.